



Rep. Adam Brown

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09700HB3796ham002

LRB097 12424 RLC 67278 a

1 AMENDMENT TO HOUSE BILL 3796

2 AMENDMENT NO. _____. Amend House Bill 3796 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Sections 2 and 14 as follows:

6 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

7 Sec. 2. Firearm Owner's Identification Card required;
8 exceptions.

9 (a) (1) No person may acquire or possess any firearm, stun
10 gun, or taser within this State without having in his or
11 her possession a Firearm Owner's Identification Card
12 previously issued in his or her name by the Department of
13 State Police under the provisions of this Act.

14 (2) No person may acquire or possess firearm ammunition
15 within this State without having in his or her possession a
16 Firearm Owner's Identification Card previously issued in

1 his or her name by the Department of State Police under the
2 provisions of this Act.

3 (b) The provisions of this Section regarding the possession
4 of firearms, firearm ammunition, stun guns, and tasers do not
5 apply to:

6 (1) United States Marshals, while engaged in the
7 operation of their official duties;

8 (2) Members of the Armed Forces of the United States or
9 the National Guard, while engaged in the operation of their
10 official duties;

11 (3) Federal officials required to carry firearms,
12 while engaged in the operation of their official duties;

13 (4) Members of bona fide veterans organizations which
14 receive firearms directly from the armed forces of the
15 United States, while using the firearms for ceremonial
16 purposes with blank ammunition;

17 (5) Nonresident hunters during hunting season, with
18 valid nonresident hunting licenses and while in an area
19 where hunting is permitted; however, at all other times and
20 in all other places these persons must have their firearms
21 unloaded and enclosed in a case;

22 (6) Those hunters exempt from obtaining a hunting
23 license who are required to submit their Firearm Owner's
24 Identification Card when hunting on Department of Natural
25 Resources owned or managed sites;

26 (7) Nonresidents while on a firing or shooting range

1 recognized by the Department of State Police; however,
2 these persons must at all other times and in all other
3 places have their firearms unloaded and enclosed in a case;

4 (8) Nonresidents while at a firearm showing or display
5 recognized by the Department of State Police; however, at
6 all other times and in all other places these persons must
7 have their firearms unloaded and enclosed in a case;

8 (9) Nonresidents whose firearms are unloaded and
9 enclosed in a case;

10 (10) Nonresidents who are currently licensed or
11 registered to possess a firearm in their resident state;

12 (11) Unemancipated minors while in the custody and
13 immediate control of their parent or legal guardian or
14 other person in loco parentis to the minor if the parent or
15 legal guardian or other person in loco parentis to the
16 minor has a currently valid Firearm Owner's Identification
17 Card;

18 (12) Color guards of bona fide veterans organizations
19 or members of bona fide American Legion bands while using
20 firearms for ceremonial purposes with blank ammunition;

21 (13) Nonresident hunters whose state of residence does
22 not require them to be licensed or registered to possess a
23 firearm and only during hunting season, with valid hunting
24 licenses, while accompanied by, and using a firearm owned
25 by, a person who possesses a valid Firearm Owner's
26 Identification Card and while in an area within a

1 commercial club licensed under the Wildlife Code where
2 hunting is permitted and controlled, but in no instance
3 upon sites owned or managed by the Department of Natural
4 Resources;

5 (14) Resident hunters who are properly authorized to
6 hunt and, while accompanied by a person who possesses a
7 valid Firearm Owner's Identification Card, hunt in an area
8 within a commercial club licensed under the Wildlife Code
9 where hunting is permitted and controlled;

10 (15) A person who is otherwise eligible to obtain a
11 Firearm Owner's Identification Card under this Act and is
12 under the direct supervision of a holder of a Firearm
13 Owner's Identification Card who is 21 years of age or older
14 while the person is on a firing or shooting range or is a
15 participant in a firearms safety and training course
16 recognized by a law enforcement agency or a national,
17 statewide shooting sports organization; and

18 (16) Competitive shooting athletes whose competition
19 firearms are sanctioned by the International Olympic
20 Committee, the International Paralympic Committee, the
21 International Shooting Sport Federation, or USA Shooting
22 in connection with such athletes' training for and
23 participation in shooting competitions at the 2016 Olympic
24 and Paralympic Games and sanctioned test events leading up
25 to the 2016 Olympic and Paralympic Games.

26 (c) The provisions of this Section regarding the

1 acquisition and possession of firearms, firearm ammunition,
2 stun guns, and tasers do not apply to law enforcement officials
3 of this or any other jurisdiction, while engaged in the
4 operation of their official duties.

5 (d) New residents, who are not otherwise prohibited from
6 obtaining, possessing, or using a firearm, firearm ammunition,
7 stun gun, or taser, shall have 60 calendar days from when they
8 obtain an Illinois driver's license or State identification
9 card to make application and obtain a Firearm Owner's
10 Identification Card. During this 60 day period these new
11 residents, who are not otherwise prohibited, may possess a
12 firearm, firearm ammunition, stun gun, or taser but shall not
13 transfer or purchase firearms or ammunition. For purposes of
14 this subsection (d), "domicile" means a true, fixed, and
15 permanent legal home of a person or the place to which the
16 person intends to return even though the person may reside
17 elsewhere; and "new resident" means a non-resident who
18 establishes a domicile in Illinois.

19 (Source: P.A. 96-7, eff. 4-3-09.)

20 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

21 Sec. 14. Sentence.

22 (a) Except as provided in subsection (a-5), a violation
23 of paragraph (1) of subsection (a) of Section 2, when the
24 person's Firearm Owner's Identification Card is expired but the
25 person is not otherwise disqualified from renewing the card, is

1 a Class A misdemeanor.

2 (a-5) A violation of paragraph (1) of subsection (a) of
3 Section 2, when the person's Firearm Owner's Identification
4 Card is expired but the person is not otherwise disqualified
5 from renewing the card, is a petty offense if the card was
6 expired for 6 months or less from the date of expiration.

7 (b) Except as provided in subsection (a) with respect to an
8 expired card, a violation of paragraph (1) of subsection (a) of
9 Section 2 is a Class A misdemeanor when the person does not
10 possess a currently valid Firearm Owner's Identification Card,
11 but is otherwise eligible under this Act. A second or
12 subsequent violation is a Class 4 felony.

13 (c) A violation of paragraph (1) of subsection (a) of
14 Section 2 is a Class 3 felony when:

15 (1) the person's Firearm Owner's Identification Card
16 is revoked or subject to revocation under Section 8; or

17 (2) the person's Firearm Owner's Identification Card
18 is expired and not otherwise eligible for renewal under
19 this Act; or

20 (3) the person does not possess a currently valid
21 Firearm Owner's Identification Card, and the person is not
22 otherwise eligible under this Act.

23 (d) A violation of subsection (a) of Section 3 is a Class 4
24 felony. A third or subsequent conviction is a Class 1 felony.

25 (d-5) Any person who knowingly enters false information on
26 an application for a Firearm Owner's Identification Card, who

1 knowingly gives a false answer to any question on the
2 application, or who knowingly submits false evidence in
3 connection with an application is guilty of a Class 2 felony.

4 (e) Except as provided by Section 6.1 of this Act, any
5 other violation of this Act is a Class A misdemeanor.

6 (Source: P.A. 91-694, eff. 4-13-00; 92-414, eff. 1-1-02;
7 92-442, eff. 8-17-01; 92-651, eff. 7-11-02.)".